SBCivil Writ Petition No.4975/2006

Adesh Kumar
Vs.
Union of India & Anr.

Date of Order :: 8th September, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. C.P.Singh]
Mr. Pradeep Choudhary] for the petitioner.

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By order dated 22.6.2006 the Commandant, Military Hospital, Jodhpur dismissed the petitioner from service on basis of conduct of the petitioner that led to his conviction by judgment dated 6.2.2006 passed by learned Special Judge, CBI Court, Jodhpur for the offences under Sections 7(13)(I)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

While giving challenge to the order aforesaid it is contended by counsel for the petitioner that the sentence awarded to the petitioner by judgment dated 6.2.2006 passed by learned Special Judge, CBI Court, Jodhpur has already been suspended by this Court by order dated 15.2.2006, therefore, the Commandant erred while dismissing the petitioner from service. No other ground is urged by counsel for the petitioner to challenge the order dated 22.6.2006.

It is the position admitted that this Court by order dated 15.2.2006 suspended the sentence

imposed by judgment dated 6.2.2006, however, that does not absolve the petitioner from order of conviction. The conviction made under the judgment dated 6.2.2006 is final till it is set aside by appellate court.

In view of it, I do not find any illegality in the order imposing penalty of dismissal upon the petitioner.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.